

MINUTES OF THE OPEN SESSION OF THE ORDINARY COUNCIL MEETING OF THE DEVONPORT CITY COUNCIL HELD IN THE ABERDEEN ROOM, LEVEL 2, paranapple centre, 137 ROOKE STREET, DEVONPORT ON MONDAY 24 FEBRUARY 2025 COMMENCING AT 5:30 PM

Meeting	From	To	Time Occupied
Open Session	5:30pm	6:25pm	55 minutes
Closed Session	6:28pm	6:39pm	11 minutes
Total			1 hour 6 minutes

Present

Cr A Jarman (Mayor)
Cr G Enniss
Cr P Hollister
Cr A Moore
Cr D Viney
Cr J Wilczynski

Council Officers: Chief Executive Officer, M Atkins
Deputy Chief Executive Officer, J Griffith
Executive Manager, K Lunson
Executive Manager, M Skirving
Creative Director, G Dobson
Community Services Manager, K Hampton
Development Services Manager, K Stone
Infrastructure Manager, J Bellchambers
Executive Coordinator, C Jordan

Audio Recording: All persons in attendance were advised that it is Council policy to record Council meetings, in accordance with Council's Digital Recording Policy. and that the meeting was being live streamed on YouTube. The digital recording of this meeting will be made available to the public on Council's website for a minimum period of six months.

1 APOLOGIES

The following apologies were received for the meeting:

- Cr L Murphy
- Cr S Martin
- Cr S Sheehan

2 DECLARATIONS OF INTEREST

There were no Declarations of Interest.

3 PROCEDURAL

3.1 CONFIRMATION OF MINUTES

25/17 RESOLUTION

MOVED: Cr Hollister

SECONDED: Cr Viney

That the minutes of the Council meeting held on 28 January 2025, as previously circulated be confirmed.

FOR: Cr Enniss, Cr Hollister, Cr Jarman, Cr Moore and Cr Viney

AGAINST: Nil

CARRIED 5 / 0

3.2 PUBLIC QUESTION TIME

3.2.1 RESPONSES TO QUESTIONS RAISED AT PRIOR MEETINGS

Nil

There were no questions taken on notice at the previous Council Meeting.

3.2.2 QUESTIONS ON NOTICE FROM THE PUBLIC

25/18 RESOLUTION

MOVED: Cr Moore

SECONDED: Cr Enniss

That Council in relation to the correspondence received from Mr Robert (Bob) Vellacott endorse the responses proposed and authorise their release.

FOR: Cr Enniss, Cr Hollister, Cr Jarman, Cr Moore and Cr Viney

AGAINST: Nil

CARRIED 5 / 0

3.2.3 QUESTIONS WITHOUT NOTICE FROM THE PUBLIC

Cr Wilczynski joined the meeting at 5:33pm

R.B. Vellacott, 11 Cocker Place, Devonport, 7310

Preamble

Mayor I refer to the Devonport Invasion Day Rally which denigrated Australia Day held on 26 January of this year 2025 and note the Devonport Council had a Public Notice informing that Best St would be closed to hold the rally. According to the Chief Executive Officer response to my questions on notice in this meetings agenda *“Council is legally required, under the provisions of the Local Government (Highways) Act 1982, to approve road closures that meet the requirements of the Act. Where an application meets the requirements, it does not have the liberty of refusing the application based on its views in respect of the purpose of the closure “*

The Public Notice under the banner of Devonport City Council, I suggest, gave the impression, or it could be construed, that Council supported the rally that inferred amongst other things that we remain a community of thieves, and we and our children should be ashamed of our history and who we are as a country.

Q1. Therefore I ask is Council comfortable or concerned about being possibly aligned or implicated with the Invasion Day Rally? It appears strange indeed that council cannot reject an application such as the Invasion Day Rally: So should not the relevant Acts be amended to allow councils to have the final say to reject know derogatory rallies?

Response

The Mayor responded that she is quite happy with the way it is. She added that Council did not hold that rally and were only tasked with some road closures. We allow freedom of speech and we are a democracy and I do take abhorrence personally to some of your words and that is your opinion.

Mr. Vellacott replied that he was not implying that Council supported that rally in any way.

Q2. I refer to my email, sent to you and the other Councillors on the 15 Feb 2025 requesting as to whether or not you agreed with my presumptions in regard to claims made about the delays to the Waterfront Development Project which I sent because Mr. Malcolm Gardam has not been satisfied with responses given, over three years , so far about this. As of this date I have only one acknowledgement of receipt of my correspondence but did not refute my presumptions so Mayor am I correct, because of your non responses, that you agree with my presumptions that the Vos construction company did submit notices of potential delays and/ also actual delay costs and also any other claims during the contract - so is the answer yes they did?

Response

The Chief Executive Officer confirmed that Council have answered those questions from Mr. Gardam - there has been Right to Information requests and all the applications Vos have made, all the variations that were made, all that information has been made available to Mr. Gardam and there is nothing further to provide. He added that, as CEO he responds on behalf of Council and he would not have expected that all Councillors would reply individually on a matter.

3.3 QUESTIONS ON NOTICE FROM COUNCILLORS

At the time of compilation of the agenda, no questions had been received from Councillors.

3.4 NOTICES OF MOTION

3.4.1 NOTICE OF MOTION - BUILDING OF NATURE ACROSS DEVONPORT - CR G ENNISS

25/19 RESOLUTION

MOVED: Cr Enniss
SECONDED: Cr Viney

That a report be prepared on how council can build nature in across Devonport. The report is to consider potential policy or strategy changes and identify opportunities for council to consider as part of the 2025/26 budget process."

FOR: Cr Enniss, Cr Hollister, Cr Jarman, Cr Moore, Cr Viney and Cr Wilczynski
AGAINST: Nil

CARRIED 6 / 0

4 PLANNING AUTHORITY MATTERS

Nil

5 REPORTS

5.1 MICROSOFT LICENCE CONTRACT RENEWAL

25/20 RESOLUTION

MOVED: Cr Moore
SECONDED: Cr Hollister

That Council:

1. procure Microsoft Office 365 subscription service from Telstra, for 3 years from 23 February 2025 for a total per annum contract sum of \$209,360ex GST (factoring in a \$10,564 credit) based on the State Government's C150 panel contract terms and conditions; and
2. note non-application of the public tender process as per the *Local Government General Regulations 2015* Regulation 27 (b).

FOR: Cr Enniss, Cr Hollister, Cr Jarman, Cr Moore, Cr Viney and Cr Wilczynski
AGAINST: Nil

CARRIED 6 / 0

5.2 RESPONSE TO PROPOSED CHANGES TO LOCAL GOVERNMENT ACT 1993 - OFFICE OF LOCAL GOVERNMENT DISCUSSION PAPER

25/21 RESOLUTION

MOVED: Cr Viney
SECONDED: Cr Hollister

That Council endorse the attached submission in response to the State Government's discussion paper into proposed reforms to the *Local Government Act 1993*.

FOR: Cr Enniss, Cr Hollister, Cr Jarman, Cr Moore, Cr Viney and Cr Wilczynski
AGAINST: Nil

CARRIED 6 / 0

5.3 DISPOSAL OF PUBLIC LAND - 3-9 MERSEY MAIN ROAD & PART OF 31-49 MERSEY MAIN ROAD SPREYTON

25/22 RESOLUTION

MOVED: Cr Viney
SECONDED: Cr Enniss

That Council:

1. note that no representations were received during the public notice period relating to the disposal of land at 3-9 Mersey Main Road Spreyton, and part of 31-49 Mersey Main Road Spreyton; and
2. authorise the Chief Executive Officer to proceed with the sale of this public land to the Department of Children and Young People (DECYP), based on the independent valuation undertaken by Opteon Property Group and subject to the relocation of the Spreyton netball courts.

FOR: Cr Enniss, Cr Hollister, Cr Jarman, Cr Moore, Cr Viney and Cr Wilczynski
AGAINST: Nil

CARRIED 6 / 0

5.4 MAIDSTONE PARK ADVISORY GROUP - MEMBERSHIP

25/23 RESOLUTION

MOVED: Cr Hollister
SECONDED: Cr Enniss

That Council appoint Benjamin Lillas, Adam Haywood, Joy Whittlesea, Karen Rowbottom and Rodney Stagg to the Maidstone Park Advisory Group.

FOR: Cr Enniss, Cr Hollister, Cr Jarman, Cr Moore, Cr Viney and Cr Wilczynski
AGAINST: Nil

CARRIED 6 / 0

5.5 TENDER REPORT -CONTRACT CT0373 COASTAL PATHWAY RIVER ROAD

25/24 RESOLUTION

MOVED: Cr Moore
SECONDED: Cr Viney

That Council, in relation to "Contract CT0373 Coastal Pathway River Road":

- a. award the contract to Treloar Civil and Quarries for the tendered sum of \$841,679 (ex GST)
- b. allow for Telstra Upgrades of \$25,000 (ext GST);
- c. note project design, management and administration costs for the project are estimated at \$60,000 (ex GST);
- d. allow for TasWater Upgrades of \$5,000 (ex GST);
- e. note a construction contingency of \$42,084 (ex GST); and
- f. note that the estimated budget overrun of \$123,763 will be funded by savings on other capital projects.

FOR: Cr Enniss, Cr Hollister, Cr Jarman, Cr Moore, Cr Viney and Cr Wilczynski
AGAINST: Nil

CARRIED 6 / 0

5.6 ESTIMATES ADJUSTMENT FY2025

25/25 RESOLUTION

MOVED: Cr Viney
SECONDED: Cr Enniss

That Council approves adjustments to the 2024/25 capital budget estimates as contained in this report.

FOR: Cr Enniss, Cr Hollister, Cr Jarman, Cr Moore, Cr Viney and Cr Wilczynski
AGAINST: Nil

CARRIED 6 / 0

6 INFORMATION

6.1 WORKSHOPS AND BRIEFING SESSIONS HELD SINCE THE LAST COUNCIL MEETING

25/26 RESOLUTION

MOVED: Cr Moore
SECONDED: Cr Wilczynski

That the report advising of Workshop Sessions held since the last Council meeting be received and the information noted.

FOR: Cr Enniss, Cr Hollister, Cr Jarman, Cr Moore, Cr Viney and Cr Wilczynski
AGAINST: Nil

CARRIED 6 / 0

6.2 MAYOR'S MONTHLY REPORT

25/27 RESOLUTION

MOVED: Cr Hollister
SECONDED: Cr Wilczynski

That the Mayor's Monthly Report be received and noted.

FOR: Cr Enniss, Cr Hollister, Cr Jarman, Cr Moore, Cr Viney and Cr Wilczynski
AGAINST: Nil

CARRIED 6 / 0

6.3 CEO'S REPORT

25/28 RESOLUTION

MOVED: Cr Viney
SECONDED: Cr Wilczynski

That the Chief Executive Officer's Report be received and noted.

FOR: Cr Enniss, Cr Hollister, Cr Jarman, Cr Moore, Cr Viney and Cr Wilczynski
AGAINST: Nil

CARRIED 6 / 0

6.4 MONTHLY OPERATIONAL REPORT - FEBRUARY 2025

25/29 RESOLUTION

MOVED: Cr Moore
SECONDED: Cr Viney

That Council receive and note the Monthly Operational Report for the period ending 31 January 2025.

FOR: Cr Enniss, Cr Hollister, Cr Jarman, Cr Moore, Cr Viney and Cr Wilczynski
AGAINST: Nil

CARRIED 6 / 0

7 CLOSED SESSION

25/30 RESOLUTION

MOVED: Cr Viney
SECONDED: Cr Enniss

That in accordance with Regulation 15 of the *Local Government (Meeting Procedures) Regulations 2015*, the following be dealt with in Closed Session:

Item No	Matter	Local Government (Meeting Procedures) Regulations 2015 Reference
3.1	Confirmation of Closed Minutes – Council Meeting – 28 January 2025	15(2)(g)
3.2	Application for Leave of Absence	15(2)(h)
4.1	Confidential Attachments	15(2)(f) & 15(2)(g)
5.1	Cradle Coast Authority – Response to Review	15(2)(g)

FOR: Cr Enniss, Cr Hollister, Cr Jarman, Cr Moore, Cr Viney and Cr Wilczynski
AGAINST: Nil

CARRIED 6 / 0

**The Mayor adjourned the meeting at 6:25pm to reconvene in Closed Session at 6:28pm.
The Council moved out Closed Session at 6:39pm.**

Council resumed in open session at 6:39pm.

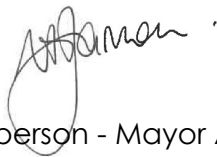
The Closed Session of Council having met and dealt with its business resolved to report that it had determined the following:

Item No	Matter	Outcome
3.1	Confirmation of Closed Minutes – Council Meeting – 28 January 2025	Confirmed
3.2	Application for Leave of Absence	Approved
4.1	Confidential Attachments	Noted
5.1	Cradle Coast Authority – Response to Review	Response approved

8 CLOSURE

There being no further business on the agenda the Mayor declared the meeting closed at 6:39pm.

Confirmed : Minutes confirmed 24 March 2025 - MIN Refers 25/36



Chairperson - Mayor Alison Jarman